Etan Leibovitz
83-19 141st #207
Briarwood, NY 11435

June 30th, 2016

Honorable Carol Bagley Amon
United States District Judge
Honorable Kiyo A. Matsumoto
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ JUL 05 2016 ★
BROOKLYN OFFICE

RE: Leibovitz v. John Barry et al. 15-CV-1722 (KAM) (LB)
Ward v. City of New York et al. 15-CV-4175 (CBA) (RER)

Judge Amon and Judge Matsumoto,

I am the plaintiff in this lawsuit, proceeding pro se in the above-referenced matter, Leibovitz v. John Barry et al. I submit this letter to bring to this Court's attention that Michael Berg ("Mr. Berg"), Assistant Attorney General, representing Defendants John Barry, Major Glen Lowe, Lieutenant Dawn O'Brien and Court Officer Marie Bennett ("State Defendants") has ***knowingly*** and ***willfully*** made inaccurate statements to this Court in violation of his ethical responsibilities in order to procure a favorable decision for his clients. For the reasons set forth below, I am requesting sanctions against the defendants' attorney, Michael Berg and the Attorney General's Office. Both Mr. Ward and I need this Court's strong hand to send a stern message to the Attorney General's Office that this behavior is unacceptable and will not be tolerated.

By way of background, on November 15th, 2015, I filed a letter, (Doc. No. 20), requesting that this Court consolidate my lawsuit with Mr. Kenneth J. Ward Jr.'s lawsuit, Docket #15-CV-4175, ("Ward Lawsuit"). On November 17th, 2015, Mr. Berg filed a letter opposing my November 15th, 2015 letter, stating in part:

> We also oppose Plaintiff's letter request, dated November 15, 2015 to consolidate this action with another action to which Plaintiff is not a party, **and which is not being actively prosecuted**. (Doc. 23, page 1, ¶ 2)

Mr. Berg further stated in part:

> Still more fundamentally, Mr. Ward has not served his summons and complaint upon the defendants in the *Ward* action, and his time to do so has lapsed. See Fed R. Civ. P. 4(m). **He has not taken any steps to litigate his case since filing the complaint on July 15th, 2015**. (Doc. 23, page 3 ¶ 1)

The above two paragraphs are **completely false** and Mr. Berg fully knew this to be false when he submitted the above referenced opposition letter with this Court. For 10 months, Mr. Ward patiently waited for this Court to render their decision with regards to his in forma pauperis application (Ward Lawsuit, Doc 2). On May 23, 2016, Judge Amon granted Mr. Ward's application to proceed in forma pauperis (Ward Lawsuit, Doc 9) and issued an Order for the United States Marshal to effectuate service once Mr. Ward provided addresses for the defendants (Ward Lawsuit, Doc 9).

Accordingly, for the reasons stated above, I ask that this Court sanction the Attorney General's office and Michael Berg to the fullest extent possible.

Respectfully submitted,

Etan Leibovitz
Pro Se Litigant

Angel M. Guardiola II
Michael A. Berg
Assistant Attorney General

cc: Grievance Committee for the 1st [redacted] Department

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